

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

YONATHAN GARCIA VALDEZ,

Defendant.

20-cr-601 (PKC)

ORDER

CASTEL, Senior District Judge:

On September 9, 2022, defendant was sentenced principally to a term of imprisonment of 46 months. (Minute Entry; ECF 184.)


Defendant moved for a sentence reduction (ECF 215) pursuant to Amendment 821 to the Sentencing Guidelines which went into effect on November 1, 2023 and applies retroactively.

The United States Probation Department has issued a Supplemental Presentence Investigation Report indicating that defendant is not eligible for a sentence reduction. (ECF 217.)

Defendant is not eligible to receive a “Status Points” adjustment because he did not receive an enhancement for committing the instant offense while under a criminal justice sentence. He is not eligible for a “Zero-Points Offender” reduction because, although he had zero criminal history points, he possessed a firearm in connection with his narcotics conspiracy and was one of the individuals involved in the assault and robbery of victims. (PSR ¶¶ 13 c & d, 32, 38, 46-47.) See Guidelines §4C1.1(3) (“use violence or credible threats of violence”) & (7) (“possess. . . a firearm”).

It is hereby ORDERED that the defendant is ineligible for a sentence reduction under Amendment 821 and the motion (ECF 215) is DENIED.

SO ORDERED.


P. Kevin Castel
United States District Judge

Dated: April 24, 2024
New York, New York

COPY MAILED TO:

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